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**MCDERMOTT, WILL & EMERY**

**F A C S I M I L E**

**\*\*\*OFFICIAL\*\*\***

**FROM:**

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Client/Matter/Tkpr:	<u>50356-150-4231</u>	Date:	<u>January 13, 2000</u>
		Time Sent:	<u>                    </u>
		Number of pages including this page:	<u>5</u>

**TO:**

Name:	<u>Examiner Mary Tung</u>	Facsimile No.	<u>703-305-7401</u>
Company:	<u>USPTO - Group Art Unit 1644</u>	Contact No.	<u>                    </u>

Re: Serial No. 08/913,555

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Docket No.: 50356-150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

NOBUHIKO KAYAGAKI, et al.

Serial No.: 08/913,555

Filed: September 19, 1997

For: MONOCLONAL ANTIBODY SPECIFICALLY REACTING WITH FAS  
LIGAND AND PRODUCTION PROCESS THEREOF

**OFFICIAL**

Group Art Unit: 1644

Examiner: M. Tung

**OFFICIAL**

MT 1/13/00

PATENT

RESPONSE TO OFFICIAL ACTION

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the Official Action of November 5, 1999.

In the Official Action, all claims were allowed except for claim 54 which were rejected under 35 USC 112.

On November 12, 1999, Applicants filed an Amendment in this application, entitled "Preliminary Amendment" to comply with these requirements. The Preliminary Amendment was filed and crossed in the mail with the official Action.

This will also confirm telephone conversations with the Examiner regarding the application. It is understood that the Preliminary Amendment is sufficient to meet the rejections set forth in the Official Action. However, the Examiner noted that the Deposit Receipt referred to in that Amendment was not attached to the Preliminary Amendment. Accordingly, Applicants submit herewith an additional copy of the Deposit Receipt of HFAS/WR19L, designated Deposition No. FERMBP-6909 and an English translation thereof. As pointed out in the previous Amendment, the deposit was made by Applicants'

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08/913,555

assignee in conformance with the deposit requirements of the Budapest Treaty on the international recognition of the deposit of microorganisms for purposes of patent procedure. It is believed that these deposits are sufficient to comply with the rules and complete the enablement requirements of 35 USC 112 for claim 54.

In addition, as requested by the Examiner, Applicants through the undersigned attorney of record hereby state that this deposit has been made under the Budapest Treaty and the cell line will be irrevocably and without restriction or condition released to the public upon the issuance of a patent to satisfy the deposit requirements made herein in accordance with 37 CFR 1.808. Further, the deposit will be maintained in the depository for a period of thirty years after the date of deposit or five years after the last request for a sample or for the enforceable life of the patent, whichever is longer.

With the presentation of the Deposit Receipt and the above averments, it is submitted that this application is now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

*Robert L. Price*

Robert L. Price

Registration No. 22,685

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**Certification of Facsimile Transmission**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

*Alexis Boyd*

Type or print name of person signing certification

*Alexis Boyd* 1/13/00  
Signature

国際様式

INTERNATIONAL FORM

特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い  
発行される。

issued pursuant to Rule 7. 1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

### 原寄託についての受託証

氏名 (名称)

住友電気工業株式会社

代表取締役 岡山 紀男

寄託者

あて名

殿

大阪府大阪市中央区北浜四丁目 5 番 33 号

#### 1. 微生物の表示

(寄託者が付した識別のための表示)

hFas/WR19L

(受託番号)

FERM BP- 6909

#### 2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

#### 3. 受領及び受託

本国際寄託当局は、平成 11 年 10 月 7 日 (原寄託日) に受領した 1 欄の微生物を受託する。

#### 4. 移管請求の受領

本国際寄託当局は、  
年 月 日 (原寄託日) に 1 欄の微生物を受領した。  
そして、年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

#### 5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Advanced Industrial Science and Technology  
Agency of Industrial Science and Technology

所長 大崎 信

Dr. Shinobu Ohsaki Director-General

あて名: 日本国茨城県つくば市東上 1 丁目 1 番 3 号 (郵便番号 305-8566)

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken  
305-8566 JAPAN

平成 11 年 (1999) 10 月 7 日

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## INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY  
AUTHORITY identified at the bottom of this page.

## Depositor:

Name: SUMITOMO ELECTRIC INDUSTRIES, LTD.  
NORIO OKAYAMA, Esq.  
President

Address: 5-33, Kitahama 4-chome, Chuo-ku, Osaka-shi, Osaka

1. Indication of Microorganisms	
(Indication for Identification Given by Depositor) hFas/WR19L	(Deposition No.) FERM BP-6909
2. Scientific Nature and Taxonomic Position	
<p>A document in which the following facts were described has been attached to the microorganisms set forth in Row 1.</p> <p><input checked="" type="checkbox"/> Scientific Nature</p> <p><input checked="" type="checkbox"/> Taxonomic Position</p>	
3. Acceptance and Receipt	
<p>This international depository authority receives the microorganisms set forth in Row 1 accepted on October 7, 1999 (original depositing date).</p>	
4. Acceptance of request for transfer of jurisdiction	
<p>This international depository authority accepted the microorganisms set forth in Row 1 on (original depositing date), and accepted a request for transfer of jurisdiction from the original deposit to a deposit based on Budapest Treaty on</p>	
5. International depository authority	
<p>Name: National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology</p> <p>Dr. Shinichi Ohashi Director-General</p> <p>Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566 Japan</p> <p>Date: October 7, 1999</p>	

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